

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-8025**

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ANTHONY JOE,

Petitioner - Appellant,

versus

WILLIE EAGLETON, Warden, Evans Correctional  
Institution; HENRY MCMASTER, Attorney General,  
South Carolina,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Charleston. Patrick Michael Duffy, District  
Judge. (CA-03-1507-2-23)

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Submitted: March 24, 2005

Decided: March 31, 2005

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Before WIDENER and GREGORY, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Anthony Joe, Appellant Pro Se. Melody Jane Brown, OFFICE OF THE  
ATTORNEY GENERAL OF SOUTH CAROLINA, Columbia, South Carolina, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Anthony Joe seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his petition filed under 28 U.S.C. § 2254 (2000). We have independently reviewed the record and conclude on the reasoning of the district court that Joe has not made a substantial showing of the denial of a constitutional right. See Joe v. Eagleton, No. CA-03-1507-2-23 (D.S.C. Dec. 1, 2004). Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED